

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, MAY 3, 2021**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, May 3, 2021. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Chief Engineer, Jason Popiel, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley and Fire Chief, Matthew Heck. Under item #5 on the agenda is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I'd like to remind all of you that if you are not speaking, please mute your mics so that we can hold all the background noise to a minimum.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Jamie Slutz, Megan Starrett and Jim Thieret.

Roll call of 9 present

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Councilwoman Starrett.

**2. INVOCATION**

**COUNCILWOMAN MEGAN STARRETT**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILWOMAN STARRETT**

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilwoman Starrett.

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT ISTNICK** – Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

**COUNCIL CLERK ROLLAND** – No, they are not. I'm still working them.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**COUNCIL CLERK ROLLAND** – No, there are not.

**5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

**6. NEW AND MISCELLANEOUS BUSINESS**

**7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 82 – 2021**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, rezoning certain property from B-3 General Business District to I-1 Light Industrial District.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – First reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 82 – 2021 has received first reading. Ord. No. 83 – 2021.

**ORDINANCE NO. 83 – 2021**

**BY: PARK AND RECREATION COMMITTEE**

AN ORDINANCE authorizing the Recreation Board of the City of Massillon, Ohio, to accept donations from Veterans of Foreign Wars (VFW) of Ohio Charities and from local private citizens, on behalf of the Massillon Park and Recreation Department, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Thank you, Madam President. As stated at the Work Session, we expecting a \$2,000 donation from the Veterans of Foreign Wars of Ohio Charities along with a \$600 donation from local donators to be used for the Robert Wornstaff flagpole memorial. Any questions or concerns? Hearing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 83 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 83 – 2021 has passed. Ord. No. 84 – 2021.

**ORDINANCE NO. 84 – 2021**

**BY: POLICE AND FIRE COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Penn Care Inc., for the purchase of a 2022 MEDIX Type I ambulance using Ohio State Term Schedule Purchasing, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. This is an ordinance requesting the purchase of, I'm not sure if the Chief is on the line; he may be able to discuss a little bit further as to the lease for this purchase. Is the Chief with us?

**COUNCIL PRESIDENT ISTNICK** – Chief Heck, are you with us?

**FIRE CHIEF HECK** – Yes, I'm here.

**COUNCIL PRESIDENT ISTNICK** – Would you like to explain a little bit for Councilwoman Litman and the rest of us?

**COUNCILWOMAN LITMAN** – I know we discussed this at the Work Session, but I thought that at a Council meeting would be appropriate as well.

**FIRE CHIEF HECK** – Sure. Madam President, Council Members, thank you. This ordinance in the purchase of the ambulance is along the lines of our process, we've been replacing an ambulance every two years utilizing revenue that is gained or brought in from EMS transport. So, this is 2021; it's back with a two-year replacement plan. The unit itself is consistent with what we purchased previously with a couple changes; we're going back to a gas engine which is a little bit of a savings and we'll have the cot system that we'll be able to transfer. But this kind of keeps our ambulance fleet up to speed and in decent shape and allows us to move forward and continue to provide the service that we do from the EMS transport standpoint. It maintains our four frontline units, it allows us to keep one reserve unit in place that's ready to go and that reserve unit is used quite a bit with reserve units that are down. So, it is important that we keep the process going from a two-year standpoint.

**COUNCILWOMAN LITMAN** – I do want to also clarify that these are funds that are already in the budget. They are in the EMS-Capital Fund and are not carry-over dollars or General Fund dollars, is that correct?

**FIRE CHIEF HECK** – Yes, that is correct. The beginning balance in 2021 in the EMS-Capital Fund was \$221,000. When I talked to Stefanie and actually asked the right questions three weeks ago, the balance is \$251,000. The \$341,000 that was in front of you last week is actually the beginning balance plus the certified amount that they have budgeted for this year. So, either way you look at it, the funds are available. They are in the Capital Account and they are available for expenditure for the ambulance.

**COUNCILWOMAN LITMAN** – I also see that you've requested it to be an emergency about the build-time. So, I'm guessing that if we have no concerns in Council, you would like this passed more sooner than later?

**FIRE CHIEF HECK** – Yes, if possible. The reason being that the build-time is anywhere for ninety to a hundred and twenty days. So, if it's passed tonight or in two weeks, we still have a Board of Control process that we would go through and then after that, we can order the ambulance and then you're looking at ninety to a hundred and twenty days and then even once we receive the ambulance, we're looking at two weeks for installation of radios and equipment before it's available to be put into service.

**COUNCILWOMAN LITMAN** – Does anyone have any questions of Chief Heck? Seeing none, I'd like to make a motion that we waive the rules requiring three readings and bring Ord. No. 84 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Lombardi. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 84 – 2021 has passed. Ord. No. 85 – 2021.

**ORDINANCE NO. 85 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations for the unappropriated balance of the 1234 Park and Recreation Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is an ordinance that would allow the Park and Recreation Dept. to be able to resurface some basketball courts throughout our City parks. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 85 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 85 – 2021 has passed. Ord. No. 86 – 2021.

**ORDINANCE NO. 86 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax-Capital Improvement Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the appropriation of \$174,193.00 to purchase the ambulance that we just discussed. Is there any further discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 86 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 86 – 2021 has passed. Ord. No. 87 – 2021.

**ORDINANCE NO. 87 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1240 Veterans Memorial Park Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is a \$10,000 appropriation through Services/Contracts to do some work in Veterans Park. Is there any questions or discussions? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 87 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 87 – 2021 has passed. Ord. No. 88 – 2021.

**ORDINANCE NO. 88 – 2021**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations for the unappropriated balance of the 1212 Summer Concert Fund, for the year ending December 31, 2021, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is just a donation account that we pass the dollars through so that we can have our summer concerts. It is a \$17,000 appropriation. Are there any

questions or discussion this evening? Hearing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 88 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 88 – 2021 has passed.

## 8. **UNFINISHED BUSINESS**

**COUNCILMAN HERNCANE** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Councilman Herncane.

**COUNCILMAN HERNCANE** – Thank you, Madam President. Where did we leave off the matter of Clerk of Council's copier?

**COUNCIL PRESIDENT ISTNICK** – She was to go ahead and proceed.

**COUNCILMAN HERNCANE** – Okay. I just wanted to get an update.

**COUNCIL CLERK ROLLAND** – It's not ordered, I have to send the contract, okay?

**COUNCILMAN HERNCANE** – Okay, thank you.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. Since we actually talked about the summer concerts please, in finance, I'd also like have a report on how those concerts will be.

**COUNCILMAN LEWIS** – Yes. From what I understand, they're schedule to open for Monday nights and it's all booked for at Duncan Plaza. So, last we heard, they're moving right along.

**COUNCIL PRESIDENT ISTNICK** – Do we have any dates; do we know?

**MAYOR CATAZARO-PERRY** – I'll be addressing all of that in my comments, Madam President.

**COUNCIL PRESIDENT ISTNICK** – Thank you so much, thank you. Anyone else?

**COUNCILMAN LOMBARDI** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lombardi.

**COUNCILMAN LOMBARDI** – Thank you, President Istnick. I'd just like to let everybody know by the end of things, people are having trouble hearing us; if you could all speak directly into your microphones a little bit more directive, as close to your microphone as close as possible because some people are not being heard very well. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you on that. Anyone else?

**9. PETITIONS AND GENERAL COMMUNICATIONS**

**10. BILLS, ACCOUNTS AND CLAIMS**

The Music Shoppe - \$ 599.90 Council Upgrade for Streaming/Media Box

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I move to pay the bills.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Roll call.

9 yes to pay the bills

**COUNCIL PRESIDENT ISTNICK** – Thank you. The Clerk will pay the bills and charge them to their proper accounts.

**11. REPORTS FROM CITY OFFICIALS**

**COUNCIL PRESIDENT ISTNICK** – Mayor, would you like to speak at this point?

**MAYOR CATAZARO-PERRY** – Yes, I would love to, thank you, Madam President. The update for May 3<sup>rd</sup>, for tonight; we are working our demos. We have six properties that we are going through the proper procedures on right now and there will be more in the future. Our Downtown Imagine Project, it is complete and the businesses that we worked with must now finalize their paperwork. We now can control the landscape downtown, so we have people that are coming in to work on our downtown landscape as well as we'll be placing new benches and trash receptacles and our new potted plants as well very shortly. The sidewalk program has had an outstanding response. If everyone works through and turns in their paperwork, we will only have \$4,550 left over out of \$100,000. And so, we're very, very pleased with the outcome and the process that it took and we'll continue to do this in the near future, 2022. Our bidding project, Contract 1 and Target Street will begin soon. On Monday, Council and Madam President, you'll receive the request for legislation for Contract 2. The quicker you can pass that, the quicker we can get out to bid and get that under contract as well. Duncan Plaza is 85% complete. We have additional steel beams needed for the amphitheater and they are scheduled to be here this week. We do plan to have a ribbon cutting ceremony, we do not have a date yet for you, but we will very soon. The Memorial Day Parade is scheduled for May 31<sup>st</sup>. There will be a ceremony following the parade. And Thursday nights, our concerts are on schedule and the first concert is June 17<sup>th</sup> and the opening band is our hometown favorite, LaFlavour. We do have open mic nights coming. I will bring back, the next time I give a report, the actual date that those will begin, but those will occur on Monday evenings. And that's all I have for you. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you very much. Does anyone have any questions for the Mayor? Thank you, Mayor.

**12. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session will be Monday, May 10, 2021 at 6:30 p.m. right here in Council Chambers. Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. We've also called a Police and Fire Committee meeting for Monday, May 10<sup>th</sup> at 6:00 p.m. I have had a request from a committee member to invite the Chief of Police as well as the Safety Service Director to that meeting, thank you.

**COUNCIL PRESIDENT ISTNICK** – I would just like to take a minute to say how wonderful it is to be back in Council Chambers and see everybody eye-to-eye and how much smoother our meeting is running. Thank you for all that got us here.

**13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**14. CALL OF THE CALENDAR**

**15. THIRD READING ORDINANCE AND RESOLUTIONS**

**16. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 77 – 2021**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Greatness Cafe to provide an economic development "inducement grant" to fund start-up costs including build-out, equipment, etc., at the property located at 121 Lincoln Way E., Massillon, Ohio.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This grant is for \$9,000 for the Greatness Cafe which is located inside of the Massillon Museum. Are there any questions, concerns or comments tonight? Hearing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 77 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Lewis. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 77 – 2021 has passed. Ord. No. 78 – 2021.



**ORDINANCE NO. 78 – 2021****BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This is the proposed budget for the Community Development Block Grant Program for the fiscal year of 2021. Are there any concerns or questions on this? Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 78 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Slutz. Roll call for suspension.

8 yes; 1 abstention for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

8 yes; 1 abstention for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 78 – 2021 has passed. Ord. No. 79 – 2021.

**ORDINANCE NO. 79 – 2021****BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE amending the Zoning Map of the City of Massillon, Ohio, by rezoning certain property from B-3 General Business District to I-1 Light Industrial District.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – Thank you, Madam President. This ordinance does deal with the proposed rezoning of the K-Mart property. There will be a public hearing on this proposed rezoning on June 7, 2021 at 6:00 p.m. Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 79 – 2021 has received second reading. Ord. No. 80 – 2021.

**ORDINANCE NO. 80 – 2021****BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE**

AN ORDINANCE granting a waterline utility easement on property that is owned by the City of Massillon, Ohio, and is used as part of The Legends of Massillon Golf Course, to Aqua Ohio, Inc., and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – Thank you, Madam President. Initial concerns about this legislation involved the City being risked for damages. The Law Department has revisited the contract and suggested that we put questions that were met well with Aqua Ohio as well. So, I

no longer have any reservations about bringing this forward. Are there any questions or comments about this this evening?

**COUNCIL CLERK ROLLAND** – Councilman Thieret, did everyone receive the revised copy today?

**COUNCILMAN THIERET** – Yes.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – Councilman Thieret, I just wonder before what was received, the list of revisions?

**COUNCILMAN THIERET** – The Restrictive Covenant. It's slightly reworded, the drawing and phase of the project.

**JASON POPIEL** – Mr. Thieret, may I speak real quick?

**COUNCILMAN THIERET** – Yes, please, go ahead.

**JASON POPIEL** – It was hard to hear you guys, so I didn't know if you covered it. Aqua Ohio resubmitted the agreement to Mr. Bartos late this morning in which he approved it and as you know, when they adjusted the route to go up and around the green and bore underneath the fairway at about seven feet deep, so I think everybody is happy and Aqua has requested that it be passed as an emergency tonight since it's already been awarded, they would like to get started to avoid any disruptions.

**COUNCILWOMAN CREAMER** – Thank you.

**COUNCILMAN THIERET** – Yes, thank you. If there is no further discussion?

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – The document that shows the re-routing of the line, in the original request it went straight under the green, now we're re-routing it. Was the path an exhibit in the original request? If so, then we have to amend. The Law Director can chime in if you agree. Essentially, since the original request showed the line of the pipeline going directly under, that now has been re-routed and that's the substance of Exhibit "A" and the exhibit we have now shows the re-routing. That Exhibit "A" is not technically in front of Council. The Exhibit "A" that's technically in front of Council right now is going under. So, we have to amend the ordinance to approve the new Exhibit "A" and then we can vote on it. Otherwise, we're passing the old route which was directly under the green. I would like to make a motion, first of all, to amend the ordinance to include the revised route of the pipeline.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Slutz. Roll call for the amendment.

9 yes to amend Ord. No. 80 – 2021 to reflect the revised Exhibit "A"

**COUNCIL PRESIDENT ISTNICK** – Mr. Richard.

**JUSTIN RICHARD** - Council President, if it pleases Council, I believe that Clerk Rolland has a motion that should have been sent prior to the meeting that should reflect the revision.

**COUNCIL CLERK ROLLAND** – That was included in that email.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – May I ask if the agreement itself, because the exhibit that you're referring to is just an attachment. The actual agreement, was it changed, is it the same, as well? I'm assuming that the agreement has changed as well as the Exhibit "A", so, we would need to completely amend the entire agreement, as well.

**BILL BARTOS** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**BILL BARTOS** – As the motion states to be replacing the current exhibit with the amended exhibit. The Exhibit "A" is not only the drawing that you see, but it's also the language. So, it would be replacing the Exhibit "A" with the revised version. So, if the motion was to amend Exhibit "A", I would think that that would be sufficient. So, if Exhibit "A" is replaced, then we've accomplished the purpose which is to replace both the language and the drawing.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** –Technically, based on the information from Mr. Bartos, I would say be verbage he did, but in spirit he did not, if that makes sense. Our verbage says, we're revising. You may have the spirit of the language involvement, that information is not included.

**BILL BARTOS** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Go ahead.

**BILL BARTOS** – With that being the statement, I suggest that the language that I presented to the Clerk be used with the understanding now that Council has, that be not only the drawing but also the waterline concerning the easements and a motion be made to amend the ordinance in accordance with this motion.

**COUNCIL PRESIDENT ISTNICK** – Mrs. Starrett, do you have a question?

**COUNCILWOMAN STARRETT** – Initially, that language had not been given to us prior. It was given to us along with the drawings, that entire motion was in there.

**COUNCILMAN LEWIS** – If Council is familiar with the language that's being referenced, then I'm comfortable with that understanding and when Council cast its vote, that they understand what they're voting for and it's passed.

**COUNCIL PRESIDENT ISTNICK** – Does Council have any more questions? Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Thank you, Madam President. I guess I just wanted to make sure that in the original agreement when the waterline was going under the green that we were covered for any damages and now that it's not going under the green, it's going through the fairway, do those same terms apply? If we would have a break in the line, are we going to have damages covered the water company to the fairway and the surrounding areas?

**COUNCIL PRESIDENT ISTNICK** – Councilman Thieret.

**COUNCILMAN THIERET** – That was our original question to the Law Dept. Would we remain liable to damages? It's definitely been approved and corrected, they took care of that.

**COUNCILWOMAN LITMAN** – Can we have the Law Director confirm that, please?

**BILL BARTOS** – Yes, the language added to address the concerns of Council, if you look at paragraph 2, you will see language that begins with "Grant, we shall also be responsible for", my apologies that I ran in here without the language in front of me, but I can't quote it verbatim, but I wanted to be sure that I came in to address the issues, once again, my apologies, but that was added specifically to address the concerns that any issues related to the operations for use of the easement by Aqua, that impact the easement area or the surrounding golf course would be cost related to Aqua.

**COUNCILWOMAN LITMAN** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Mr. Bartos, when is this going to happen?

**BILL BARTOS** – Madam President, I could defer to answer that question. I'm merely calling the balls and strikes of the law. I'm not the project manager.

**COUNCIL PRESIDENT ISTNICK** – Alright. And another question; we have a lot leagues out at the Legends. Is this going to interfere with normal golfing?

**BILL BARTOS** – Madam President, once again, balls and strikes.

**COUNCIL PRESIDENT ISTNICK** – Can anyone answer that question?

**COUNCILMAN THIERET** – Madam President.

**COUNCIL PRESIDENT ISTNICK** – Yes.

**COUNCILMAN THIERET** – If you recall the conversation was a contribution that the gentleman from the water company told us that their work is primarily out of bound. There could be very minimal involvement of the grounds. It's seven feet down.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – I just wanted say that was Keith Nutter from Aqua Ohio.

**COUNCIL PRESIDENT ISTNICK** – So, Mr. Bartos, the amendment that we just did is sufficient to go on? We don't need to change anything at this point?

**BILL BARTOS** – Well, Madam President, if the motion was to amend the ordinance by replacing the previous version of Exhibit “A” with the new version of Exhibit “A”, the new version of Exhibit “A” includes the waterline easement and the waterline utility easement language and the new drawing. So, if the motion swap out old for new, then yes, it would be sufficient.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis, is that your understanding?

**COUNCILMAN LEWIS** – But, I would call Mr. Thieret.

**COUNCIL PRESIDENT ISTNICK** – Okay, so we’ll go with that and that brings this back to first reading? Okay, Councilman Thieret, back to you.

**COUNCILMAN THIERET** – Thank you, Madam President. I make a motion that we suspend the rules requiring three readings and bring Ord. No. 80 – 2021 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Slutz. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 80 – 2021 has passed.

## **17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**L.J. DELUCA** – 2954 Veteran Blvd. S.E., Massillon, Ohio. Madam President, City Council, my fellow Massillon residents, Mayor Catazaro-Perry has, some of the pages were deleted from Stark County; I seen the Mayor dancing on them. Other people dancing while we’re ignoring. I don’t have a problem with that, she’s a great dancer, great instructor, but what I do have a problem with is I remember at one of our earlier Massillon City Council meetings, the Mayor saying that her administrative staff will be there virtually, not coming into Massillon City Council because of it. I don’t know if the Mayor is there tonight, but I feel this way about it. If the residents and her as my mayor and a lot of other residents told me too, talk the talk, walk the walk. If it’s time for all of us to get back to Massillon City Council Chambers. Not only a select few. It’s time for the residents to get back to Massillon City Council. I don’t want this be like the Massillon Independent who comes in and only sells to the residents. I pay for this, I have it only recording. Are we creating another pandemic based on fear? Dave Maley, are you going out and get the business and doing economic development. Let me tell you this, Massillon City Council, is the Massillon City Council office lights on? Are we back, are we back or is everybody back? Hey, the office is back, the lights are turned on. Where are you and your staff. I hope you’re back because we’ll leave the lights on for you. Also, last month, we didn’t get the chance to talk about, you guys went into a fast and hurried administrative meeting and that’s totally unacceptable, for that long. Let us talk and you guys go take your executive session for three or four hours. Last month, I also talked to Police Office Ryan Wood, K-9 officer, Loby because I got that from the Massillon Police Dept. last time. That’s what his name was folks. He’s great and I think that’s neat too. Loby got trained by one of the best, a

retired Canton police officer, 13 yrs. and, let me tell you, Lobby, he got trained by the best of the best. Finally, retired police officer, he goes all over the country to do this and he is great at it. There's also something that you might be interested in. It's called a working dog radio podcast. It's called "Broadcasting by the Bite". So, that should be good some of this that's needed right here in Massillon, Ohio. They talk all things about working dogs. The Massillon Planning Commission, who's holding on here? Who are some of these people? People don't know. The City Council Committee, people know who heads up what. Massillon, Fire Chief. Duncan Plaza, the amphitheater, a thousand feet. What are they going to do with it, Mayor? Are they going to sell food, beverages, alcohol? The summer concert series; I'm glad that she said June 17, 2021 is LaFlavour, they're my friends. Would have loved to see the street named after them, but it didn't happen yet. Also, I want to talk about downtown Massillon food trucks, my Ward 4 Councilman, Jill Creamer, I'll end up here. I wrote a note to Jill about Massillon University Circle and Jill wrote me right back, as always. I agree with you 300%, L.J. We are in Phase II of the project. So, I want to thank Madam President tonight and I hope that the Massillon residents can get back in there too. I hope the Mayor, if she's out there tonight, her staff if they get here and I also want to quit this Webex virtual meeting because, unfortunately, it's not very clear. It really isn't and it's representation of Massillon, Ohio. But I want to thank Madam President for a great job, for Ed Lewis, President Pro tem and Diane Rolland. Thank you, and have a great night.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else? Is there anyone else that would like to address Council?

## 18. ADJOURNMENT

**COUNCILWOMAN STARRETT** – I would like to make a motion to adjourn the meeting.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Meeting adjourned.

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DIANE ROLLAND, COUNCIL CLERK

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CLAUDETTE ISTNICK, PRESIDENT